

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division

ERIC WISE,

Petitioner,

v.

Civil Action No. 2:17-cv-288

ERIC D. WILSON,

Respondent.

FINAL ORDER

Before the Court is a petition for a writ of habeas corpus filed pursuant to 28 U.S.C. § 2241. ECF No. 1. In his Petition, the *pro se* Petitioner seeks judicial review by this court to stop the Bureau of Prisons from collecting funds from Petitioner's account to pay his restitution ordered by the sentencing court. On November 15, 2017, the Respondent filed a motion to dismiss or, In the Alternative, for Summary Judgment ECF No. 5. The Petitioner filed a response on December 4, 2017, ECF No. 9 and the Respondent filed a reply on December 5, 2017, ECF. 8.

The matter was referred for disposition to a United States Magistrate Judge pursuant to 28 U.S.C. §§ 636(b)(1)(B)-(C), Federal Rule of Civil Procedure 72(b), Local Civil Rule 72, and the April 2, 2002 Standing Order on Assignment of Certain

Matters to United States Magistrate Judges. In a Report and Recommendation entered on April 18, 2018 (ECF No. 10), the Magistrate Judge recommended that the relief sought by the Respondent's Motion to Dismiss, or in the Alternative, for Summary Judgment be GRANTED, and the Petition be DENIED AND DISMISSED WITH PREJUDICE. The parties were advised of their right to file written objections to the Report and Recommendation. Neither the Petitioner nor the Respondent filed objections with the Court.

Having reviewed the record and having heard no objection, the Court agrees with the Report and Recommendation on the grounds stated by the Magistrate Judge and **ADOPTS** and **APPROVES** the Report and Recommendation (ECF No. 10) in its entirety as the Court's own opinion. Accordingly, the Respondent's motion to dismiss (ECF No. 5) is **GRANTED**, and the Petition (ECF No. 1) is **DENIED** and **DISMISSED WITH PREJUDICE**. It is **ORDERED** that judgment be entered in favor of the Respondent.

The Petitioner is hereby notified that he may appeal from the judgment entered pursuant to this Final Order by filing a written notice of appeal with the Clerk of the Court at the Walter E. Hoffman United States Courthouse, 600 Granby Street, Norfolk, Virginia 23510, within thirty (30) days from the date judgment is entered. Because the Petitioner has failed to

demonstrate a substantial showing of the denial of a constitutional right pursuant to 28 U.S.C. § 2253(c) and Federal Rule of Appellate Procedure 22(b)(1), the Court declines to issue a certificate of appealability. See *Miller-El v. Cockrell*, 537 U.S. 322, 335-36 (2003).

The Clerk is **DIRECTED** to forward a copy of this Order to the Petitioner and counsel of record for the Respondent.

It is so ORDERED.

/s/
Rebecca Beach Smith
RBS Chief Judge

Rebecca Beach Smith
Chief United States District Judge

Norfolk, Virginia

Date: *May 23, 2018*